

Remarks/Arguments

Claims 1-6 were pending in the application. Claims 1 and 4 were rejected. Claims 2, 3, 5 and 6 were withdrawn. No claims were merely objected to and no claims were allowed. By the foregoing amendment, no claims are canceled, claims 1 and 4 are amended, and no new claims are added. No new matter is presented.

Applicant Initiated Interview

Applicants would like to thank Examiner Aeder for allowing the Applicant to conduct an interview at the United States Patent Office on July 25, 2007. Applicants discussed the proposed claim amendments set forth in the present Amendment. Examiner Aeder indicated he would be amenable to finding the claimed subject matter allowable should the Applicant amend the claims consistent with the interview discussion. Applicants have since amended the claims consistent with the interview discussion. Applicants again thank examiner Aeder for his willingness to meet with the Applicant in order to further the prosecution of the present application.

Specification

The examiner objected to the specification on pages 4, 5, 9, 14 and 15 for improper disclosure of polypeptide sequences, as it fails to comply with the requirements of 37 C.F.R. 1.821 through 1.825.

Applicants intend to file a Supplemental Response to specifically address this outstanding issue.

Claim Objections

The examiner objected to claim 1 due to an awkward recitation.

Applicants have amended claim 1 to remove the awkward recitation cited by the examiner.

In light of the foregoing amendments, Applicants respectfully request the examiner withdraw the objection to claim 1.

Double Patenting

The examiner asserts claims 1 and 4 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 22-23 of copending U.S. Appl. Ser. No. 10/336,312. Applicant respectfully traverses the rejection.

Upon closer review, Applicants have discovered U.S. Appl. Ser. No. 10/336,312 was abandoned on June 21, 2006. Consequently, the present rejection is moot.

In light of the foregoing, Applicants respectfully request the examiner withdraw the present double patenting rejection and find claims 1 and 4 are patentable.

The examiner asserts claims 1 and 4 are provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claim 28 of copending U.S. Appl. Ser. No. 10/490,357 (“`357”). Applicant respectfully traverses the rejection.

Upon reviewing claim 28 of the copending `357 application, Applicants draw the examiner’s attention to the claim limitation, “wherein said composition is substantially free of solvent”, recited therein. Applicants contend claims 1 and 4 of the present application do not recite such a limitation and the specification-as-filed does not mention such a limitation. In contrast, both the specification-as-filed and claim 28 of the `357 application specifically recite this claim limitation. Such a claim limitation is not meant to be read into claims 1 and 4 of the present application, and thus the limitation of the `357 application cannot be taught or suggested for inclusion into claims 1 and 4.

In light of the foregoing, Applicants contend the examiner should acknowledge the difference between the present claims and the claim 28 of the `357 application and find the difference prevents the present claims from being considered obvious over claim 28 of the `357 application.

For these reasons, Applicants respectfully request the examiner withdraw the double patenting rejection and find claims 1 and 4 are allowable.

Claim Rejections – 35 U.S.C. §112, first paragraph

The examiner asserts claims 1 and 4 are rejected under 35 U.S.C. §112, first paragraph. Applicant respectfully traverses the rejection.

Applicants have amended claims 1 and 4 to address the issues raised by the examiner in the present rejection.

In light of the foregoing, Applicants respectfully request the examiner withdraw the rejection under 35 U.S.C. 112, first paragraph and find that claims 1 and 4 are allowable.

Claim Rejections – 35 U.S.C. §112, second paragraph

The examiner asserts claims 1 and 4 are rejected under 35 U.S.C. §112, second paragraph. Applicant respectfully traverses the rejection.

Applicants have amended claims 1 and 4 to address the issues raised by the examiner in framing the present rejection.

In light of the foregoing amendments, Applicants respectfully request the examiner withdraw the rejection under 35 U.S.C. §112, second paragraph and find that claims 1 and 4 are allowable.

CONCLUSION

In light of the foregoing, it is submitted that all of the claims as pending patentably define over the art of record and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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